



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6107

Introduced 2/11/2016, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11.1 new	
305 ILCS 5/9A-11.2 new	
305 ILCS 5/10-1	from Ch. 23, par. 10-1
305 ILCS 5/10-3	from Ch. 23, par. 10-3
305 ILCS 5/10-4	from Ch. 23, par. 10-4
305 ILCS 5/10-8	from Ch. 23, par. 10-8
305 ILCS 5/10-10	from Ch. 23, par. 10-10

Amends the Illinois Public Aid Code. In provisions concerning the child care assistance program, requires the Department of Healthcare and Family Services to furnish child support enforcement services in behalf of persons who are applicants for or recipients of child care benefits in accordance with the requirements of Title IV, Part D of the Social Security Act. Provides that a parent or other person having custody of a child receiving child care benefits must comply with any rules adopted by the Department regarding enforcement of a child support obligation. Requires the Department of Human Services to, by rule, establish a system of sanctions for persons who fail to cooperate, without good cause, with the child support programs provided under the Code or Title IV of the federal Social Security Act. Makes changes concerning the child support enforcement services provided by the Department. Provides that, by accepting financial aid under the child care assistance program, a spouse or a parent or other person having custody of a child is deemed to have made assignment to the Department of any and all rights, title, and interest in any support obligation, including statutory interest thereon, up to the amount of financial aid provided. Makes other changes concerning notification of support obligation, support payments, and judicial enforcement of the support liability. Effective immediately.

LRB099 17134 KTG 41492 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-1, 10-3, 10-4, 10-8, and 10-10 and by
6 adding Sections 9A-11.1 and Section 9A-11.2 as follows:

7 (305 ILCS 5/9A-11.1 new)

8 Sec. 9A-11.1. Enforcement of parental child support
9 obligation. If the parent or parents of a child receiving child
10 care benefits under Section 9A-11 are failing to meet or are
11 delinquent in their legal obligation to support the child, the
12 parent or other person having custody of the child or the
13 Department of Healthcare and Family Services may request the
14 law enforcement officer authorized or directed by law to so act
15 to file an action for the enforcement of such remedies as the
16 law provides for the fulfillment of the child support
17 obligation. If a parent of a child receiving child care
18 benefits under Section 9A-11 has a judicial remedy against the
19 other parent to compel child support, or if, as the result of
20 an action initiated by or in behalf of one parent against the
21 other, a child support order has been entered in respect to
22 which there is noncompliance or delinquency, or where the order
23 so entered may be changed upon petition to the court to provide

1 additional support, the parent or other person having custody
2 of the child or the Department of Healthcare and Family
3 Services may request the appropriate law enforcement officer to
4 seek enforcement of the remedy, or of the support order, or a
5 change therein to provide additional support. If the law
6 enforcement officer is not authorized by law to so act in these
7 instances, the parent, or if so authorized by law the other
8 person having custody of the child, or the Department of
9 Healthcare and Family Services may initiate an action to
10 enforce these remedies.

11 The Department of Healthcare and Family Services shall
12 furnish child support enforcement services in behalf of persons
13 who are applicants for or recipients of child care benefits
14 under Section 9A-11 in accordance with the requirements of
15 Title IV, Part D of the Social Security Act.

16 A parent or other person having custody of the child
17 receiving child care benefits must comply with any rules
18 adopted by the Department of Healthcare and Family Services
19 regarding enforcement of the child support obligation. The
20 Department of Healthcare and Family Services and the Department
21 of Human Services may provide by rule for the grant or
22 continuation of benefits to the person for a temporary period
23 if he or she accepts counseling or other services designed to
24 increase his or her motivation to seek enforcement of the child
25 support obligation.

26 In addition to any other definition of failure or refusal

1 to comply with the requirements of Title IV, Part D of the
2 Social Security Act, or any rules adopted by the Department of
3 Healthcare and Family Services pursuant to this Section, in the
4 case of failure to attend court hearings, the parent or other
5 person having custody of the child may show cooperation by
6 attending a court hearing or, if a court hearing cannot be
7 scheduled within 14 days following the court hearing that was
8 missed, by signing a statement that the parent or other person
9 is now willing to cooperate in the child support enforcement
10 process and will appear at any later scheduled court date. The
11 parent or other person may show cooperation by signing such a
12 statement only once. If failure to attend the court hearing or
13 other failure to cooperate results in the case being dismissed,
14 such a statement may be signed after 2 months.

15 Any evidence a parent or other person having custody of the
16 child gives in order to comply with the requirements of this
17 Section shall not render him or her liable to prosecution under
18 Section 11-35 or 11-40 of the Criminal Code of 2012.

19 When so requested, the Department of Healthcare and Family
20 Services and the Department of Human Services shall provide
21 such services and assistance as the law enforcement officer may
22 require in connection with the filing of any action hereunder.

23 The Department of Healthcare and Family Services and the
24 Department of Human Services, as an expense of administration,
25 may also provide applicants for and recipients of child care
26 benefits with such services and assistance, including

1 assumption of the reasonable costs of prosecuting any action or
2 proceeding, as may be necessary to enable them to enforce the
3 child support liability required hereunder.

4 Nothing in this Section shall be construed as a requirement
5 that an applicant or recipient file an action for dissolution
6 of marriage against his or her spouse.

7 The Department of Healthcare and Family Services and the
8 Department of Human Services shall adopt any rules necessary to
9 implement this Section.

10 (305 ILCS 5/9A-11.2 new)

11 Sec. 9A-11.2. Sanctions.

12 (a) The Department of Human Services shall, by rule,
13 establish a system of sanctions for persons who fail to
14 cooperate, without good cause, with child support programs
15 under this Article, Article X, or Title IV, Part D of the
16 Social Security Act. The sanctions may discontinue all or part
17 of the child care benefits provided under this Article. The
18 sanctions may be time limited or continue until the person
19 cooperates in the program. The sanctions may be progressive in
20 that a second, third, or further sanction may be progressively
21 more severe or last longer.

22 (b) The Department shall, by rule, define what constitutes
23 failure to cooperate and what constitutes good cause which
24 would excuse that failure.

1 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

2 Sec. 10-1. Declaration of Public Policy - Persons Eligible
3 for Child Support Enforcement Services - Fees for
4 Non-Applicants and Non-Recipients.) It is the intent of this
5 Code that the financial aid and social welfare services herein
6 provided supplement rather than supplant the primary and
7 continuing obligation of the family unit for self-support to
8 the fullest extent permitted by the resources available to it.
9 This primary and continuing obligation applies whether the
10 family unit of parents and children or of husband and wife
11 remains intact and resides in a common household or whether the
12 unit has been broken by absence of one or more members of the
13 unit. The obligation of the family unit is particularly
14 applicable when a member is in necessitous circumstances and
15 lacks the means of a livelihood compatible with health and
16 well-being.

17 It is the purpose of this Article to provide for locating
18 an absent parent or spouse, for determining his financial
19 circumstances, and for enforcing his legal obligation of
20 support, if he is able to furnish support, in whole or in part.
21 The Department of Healthcare and Family Services shall give
22 priority to establishing, enforcing and collecting the current
23 support obligation, and then to past due support owed to the
24 family unit, except with respect to collections effected
25 through the intercept programs provided for in this Article.

26 The child support enforcement services provided hereunder

1 shall be furnished dependents of an absent parent or spouse who
2 are applicants for or recipients of financial aid under this
3 Code. It is not, however, a condition of eligibility for
4 financial aid that there be no responsible relatives who are
5 reasonably able to provide support. Nor, except as provided in
6 Sections 4-1.7 and 10-8, shall the existence of such relatives
7 or their payment of support contributions disqualify a needy
8 person for financial aid.

9 By accepting financial aid under this Code, a spouse or a
10 parent or other person having custody of a child shall be
11 deemed to have made assignment to the Illinois Department for
12 aid under Articles III, IV, V, ~~and VII,~~ and IXA or to a local
13 governmental unit for aid under Article VI of any and all
14 rights, title, and interest in any support obligation,
15 including statutory interest thereon, up to the amount of
16 financial aid provided. The rights to support assigned to the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid) or local governmental unit
19 shall constitute an obligation owed the State or local
20 governmental unit by the person who is responsible for
21 providing the support, and shall be collectible under all
22 applicable processes.

23 The Department of Healthcare and Family Services shall also
24 furnish the child support enforcement services established
25 under this Article in behalf of persons who are not applicants
26 for or recipients of financial aid under this Code in

1 accordance with the requirements of Title IV, Part D of the
2 Social Security Act. The Department may establish a schedule of
3 reasonable fees, to be paid for the services provided and may
4 deduct a collection fee, not to exceed 10% of the amount
5 collected, from such collection. The Department of Healthcare
6 and Family Services shall cause to be published and distributed
7 publications reasonably calculated to inform the public that
8 individuals who are not recipients of or applicants for public
9 aid under this Code are eligible for the child support
10 enforcement services under this Article X. Such publications
11 shall set forth an explanation, in plain language, that the
12 child support enforcement services program is independent of
13 any public aid program under the Code and that the receiving of
14 child support enforcement services in no way implies that the
15 person receiving such services is receiving public aid.

16 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

17 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

18 Sec. 10-3. Standard and Regulations for Determining
19 Ability to Support. The Illinois Department shall establish a
20 standard by which shall be measured the ability of responsible
21 relatives to provide support, and shall implement the standard
22 by rules governing its application. The standard and the rules
23 shall take into account the buying and consumption patterns of
24 self-supporting persons of modest income, present or future
25 contingencies having direct bearing on maintenance of the

1 relative's self-support status and fulfillment of his
2 obligations to his immediate family, and any unusual or
3 exceptional circumstances including estrangement or other
4 personal or social factors, that have a bearing on family
5 relationships and the relative's ability to meet his support
6 obligations. The standard shall be recomputed periodically to
7 reflect changes in the cost of living and other pertinent
8 factors.

9 In addition to the standard, the Illinois Department may
10 establish guidelines to be used exclusively to measure the
11 ability of responsible relatives to provide support on behalf
12 of applicants for or recipients of financial aid under Article
13 IV of this Act and other persons who are given access to the
14 child support enforcement services of this Article as provided
15 in Section 10-1. In such case, the Illinois Department shall
16 base the guidelines upon the applicable provisions of Sections
17 504, 505 and 505.2 of the Illinois Marriage and Dissolution of
18 Marriage Act, as amended, and shall implement such guidelines
19 by rules governing their application.

20 The term "administrative enforcement unit", when used in
21 this Article, means local governmental units or the Child and
22 Spouse Support Unit established under Section 10-3.1 when
23 exercising the powers designated in this Article. The
24 administrative enforcement unit shall apply the standard or
25 guidelines, rules and procedures provided for by this Section
26 and Sections 10-4 through 10-8 in determining the ability of

1 responsible relatives to provide support for applicants for or
2 recipients of financial aid under this Code, except that the
3 administrative enforcement unit may apply such standard or
4 guidelines, rules and procedures at its discretion with respect
5 to those applicants for or recipients of financial aid under
6 Article IV, applicants for or recipients of child care benefits
7 under Article IXA, and other persons who are given access to
8 the child support enforcement services of this Article as
9 provided by Section 10-1.

10 (Source: P.A. 92-590, eff. 7-1-02; 92-651, eff. 7-11-02.)

11 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

12 Sec. 10-4. Notification of Support Obligation. The
13 administrative enforcement unit within the authorized area of
14 its operation shall notify each responsible relative of an
15 applicant or recipient, or responsible relatives of other
16 persons given access to the child support enforcement services
17 of this Article, of his legal obligation to support and shall
18 request such information concerning his financial status as may
19 be necessary to determine whether he is financially able to
20 provide such support, in whole or in part. In cases involving a
21 child born out of wedlock, the notification shall include a
22 statement that the responsible relative has been named as the
23 biological father of the child identified in the notification.

24 In the case of applicants, the notification shall be sent
25 as soon as practical after the filing of the application. In

1 the case of recipients, the notice shall be sent at such time
2 as may be established by rule of the Illinois Department.

3 The notice shall be accompanied by the forms or
4 questionnaires provided in Section 10-5. It shall inform the
5 relative that he may be liable for reimbursement of any support
6 furnished from public aid funds prior to determination of the
7 relative's financial circumstances, as well as for future
8 support. In the alternative, when support is sought on behalf
9 of applicants for or recipients of financial aid under Article
10 IV of this Code and other persons who are given access to the
11 child support enforcement services of this Article as provided
12 in Section 10-1, the notice shall inform the relative that the
13 relative may be required to pay support for a period before the
14 date an administrative support order is entered, as well as
15 future support.

16 Neither the mailing nor receipt of such notice shall be
17 deemed a jurisdictional requirement for the subsequent
18 exercise of the investigative procedures undertaken by an
19 administrative enforcement unit or the entry of any order or
20 determination of paternity or support or reimbursement by the
21 administrative enforcement unit; except that notice shall be
22 served by certified mail addressed to the responsible relative
23 at his or her last known address, return receipt requested, or
24 by a person who is licensed or registered as a private
25 detective under the Private Detective, Private Alarm, Private
26 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a

1 registered employee of a private detective agency certified
2 under that Act, or in counties with a population of less than
3 2,000,000 by any method provided by law for service of summons,
4 in cases where a determination of paternity or support by
5 default is sought on behalf of applicants for or recipients of
6 financial aid under Article IV of this Code, applicants for or
7 recipients of child care benefits under Article IXA of this
8 Code, Act and other persons who are given access to the child
9 support enforcement services of this Article as provided in
10 Section 10-1.

11 (Source: P.A. 94-92, eff. 6-30-05; 95-613, eff. 9-11-07.)

12 (305 ILCS 5/10-8) (from Ch. 23, par. 10-8)

13 Sec. 10-8. Support Payments - Partial Support - Full
14 Support. The notice to responsible relatives issued pursuant to
15 Section 10-7 shall direct payment (a) to the Illinois
16 Department in cases of applicants and recipients under Articles
17 III, IV, V, ~~and~~ VII, and IXA, (b) except as provided in Section
18 10-3.1, to the local governmental unit in the case of
19 applicants and recipients under Article VI, and (c) to the
20 Illinois Department in cases of non-applicants and
21 non-recipients given access to the child support enforcement
22 services of this Article, as provided by Section 10-1. However,
23 if the support payments by responsible relatives are sufficient
24 to meet needs of a recipient in full, including current and
25 anticipated medical needs, and the Illinois Department or the

1 local governmental unit, as the case may be, has reasonable
2 grounds to believe that such needs will continue to be provided
3 in full by the responsible relatives, the relatives may be
4 directed to make subsequent support payments to the needy
5 person or to some person or agency in his behalf and the
6 recipient shall be removed from the rolls. In such instance the
7 recipient also shall be notified by registered or certified
8 mail of the action taken. If a recipient removed from the rolls
9 requests the Illinois Department to continue to collect the
10 support payments in his behalf, the Department, at its option,
11 may do so and pay amounts so collected to the person. The
12 Department may provide for deducting any costs incurred by it
13 in making the collection from the amount of any recovery made
14 and pay only the net amount to the person.

15 Payments under this Section to the Illinois Department
16 pursuant to the Child Support Enforcement Program established
17 by Title IV-D of the Social Security Act shall be paid into the
18 Child Support Enforcement Trust Fund. All payments under this
19 Section to the Illinois Department of Human Services shall be
20 deposited in the DHS Recoveries Trust Fund. Disbursements from
21 these funds shall be as provided in Sections 12-9.1 and 12-10.2
22 of this Code. Payments received by a local governmental unit
23 shall be deposited in that unit's General Assistance Fund.

24 To the extent the provisions of this Section are
25 inconsistent with the requirements pertaining to the State
26 Disbursement Unit under Sections 10-10.4 and 10-26 of this

1 Code, the requirements pertaining to the State Disbursement
2 Unit shall apply.

3 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-16,
4 eff. 6-28-01; 92-590, eff. 7-1-02.)

5 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

6 Sec. 10-10. Court enforcement; applicability also to
7 persons who are not applicants or recipients. Except where the
8 Illinois Department, by agreement, acts for the local
9 governmental unit, as provided in Section 10-3.1, local
10 governmental units shall refer to the State's Attorney or to
11 the proper legal representative of the governmental unit, for
12 judicial enforcement as herein provided, instances of
13 non-support or insufficient support when the dependents are
14 applicants or recipients under Article VI. The Child and Spouse
15 Support Unit established by Section 10-3.1 may institute in
16 behalf of the Illinois Department any actions under this
17 Section for judicial enforcement of the support liability when
18 the dependents are (a) applicants or recipients under Articles
19 III, IV, V, ~~or VII~~, or IXA; (b) applicants or recipients in a
20 local governmental unit when the Illinois Department, by
21 agreement, acts for the unit; or (c) non-applicants or
22 non-recipients who are receiving child support enforcement
23 services under this Article X, as provided in Section 10-1.
24 Where the Child and Spouse Support Unit has exercised its
25 option and discretion not to apply the provisions of Sections

1 10-3 through 10-8, the failure by the Unit to apply such
2 provisions shall not be a bar to bringing an action under this
3 Section.

4 Action shall be brought in the circuit court to obtain
5 support, or for the recovery of aid granted during the period
6 such support was not provided, or both for the obtainment of
7 support and the recovery of the aid provided. Actions for the
8 recovery of aid may be taken separately or they may be
9 consolidated with actions to obtain support. Such actions may
10 be brought in the name of the person or persons requiring
11 support, or may be brought in the name of the Illinois
12 Department or the local governmental unit, as the case
13 requires, in behalf of such persons.

14 The court may enter such orders for the payment of moneys
15 for the support of the person as may be just and equitable and
16 may direct payment thereof for such period or periods of time
17 as the circumstances require, including support for a period
18 before the date the order for support is entered. The order may
19 be entered against any or all of the defendant responsible
20 relatives and may be based upon the proportionate ability of
21 each to contribute to the person's support.

22 The Court shall determine the amount of child support
23 (including child support for a period before the date the order
24 for child support is entered) by using the guidelines and
25 standards set forth in subsection (a) of Section 505 and in
26 Section 505.2 of the Illinois Marriage and Dissolution of

1 Marriage Act. For purposes of determining the amount of child
2 support to be paid for a period before the date the order for
3 child support is entered, there is a rebuttable presumption
4 that the responsible relative's net income for that period was
5 the same as his or her net income at the time the order is
6 entered.

7 If (i) the responsible relative was properly served with a
8 request for discovery of financial information relating to the
9 responsible relative's ability to provide child support, (ii)
10 the responsible relative failed to comply with the request,
11 despite having been ordered to do so by the court, and (iii)
12 the responsible relative is not present at the hearing to
13 determine support despite having received proper notice, then
14 any relevant financial information concerning the responsible
15 relative's ability to provide child support that was obtained
16 pursuant to subpoena and proper notice shall be admitted into
17 evidence without the need to establish any further foundation
18 for its admission.

19 An order entered under this Section shall include a
20 provision requiring the obligor to report to the obligee and to
21 the clerk of court within 10 days each time the obligor obtains
22 new employment, and each time the obligor's employment is
23 terminated for any reason. The report shall be in writing and
24 shall, in the case of new employment, include the name and
25 address of the new employer. Failure to report new employment
26 or the termination of current employment, if coupled with

1 nonpayment of support for a period in excess of 60 days, is
2 indirect criminal contempt. For any obligor arrested for
3 failure to report new employment bond shall be set in the
4 amount of the child support that should have been paid during
5 the period of unreported employment. An order entered under
6 this Section shall also include a provision requiring the
7 obligor and obligee parents to advise each other of a change in
8 residence within 5 days of the change except when the court
9 finds that the physical, mental, or emotional health of a party
10 or that of a minor child, or both, would be seriously
11 endangered by disclosure of the party's address.

12 The Court shall determine the amount of maintenance using
13 the standards set forth in Section 504 of the Illinois Marriage
14 and Dissolution of Marriage Act.

15 Any new or existing support order entered by the court
16 under this Section shall be deemed to be a series of judgments
17 against the person obligated to pay support thereunder, each
18 such judgment to be in the amount of each payment or
19 installment of support and each such judgment to be deemed
20 entered as of the date the corresponding payment or installment
21 becomes due under the terms of the support order. Each such
22 judgment shall have the full force, effect and attributes of
23 any other judgment of this State, including the ability to be
24 enforced. Any such judgment is subject to modification or
25 termination only in accordance with Section 510 of the Illinois
26 Marriage and Dissolution of Marriage Act. Notwithstanding any

1 other State or local law to the contrary, a lien arises by
2 operation of law against the real and personal property of the
3 noncustodial parent for each installment of overdue support
4 owed by the noncustodial parent.

5 When an order is entered for the support of a minor, the
6 court may provide therein for reasonable visitation of the
7 minor by the person or persons who provided support pursuant to
8 the order. Whoever willfully refuses to comply with such
9 visitation order or willfully interferes with its enforcement
10 may be declared in contempt of court and punished therefor.

11 Except where the local governmental unit has entered into
12 an agreement with the Illinois Department for the Child and
13 Spouse Support Unit to act for it, as provided in Section
14 10-3.1, support orders entered by the court in cases involving
15 applicants or recipients under Article VI shall provide that
16 payments thereunder be made directly to the local governmental
17 unit. Orders for the support of all other applicants or
18 recipients shall provide that payments thereunder be made
19 directly to the Illinois Department. In accordance with federal
20 law and regulations, the Illinois Department may continue to
21 collect current maintenance payments or child support
22 payments, or both, after those persons cease to receive public
23 assistance and until termination of services under Article X.
24 The Illinois Department shall pay the net amount collected to
25 those persons after deducting any costs incurred in making the
26 collection or any collection fee from the amount of any

1 recovery made. In both cases the order shall permit the local
2 governmental unit or the Illinois Department, as the case may
3 be, to direct the responsible relative or relatives to make
4 support payments directly to the needy person, or to some
5 person or agency in his behalf, upon removal of the person from
6 the public aid rolls or upon termination of services under
7 Article X.

8 If the notice of support due issued pursuant to Section
9 10-7 directs that support payments be made directly to the
10 needy person, or to some person or agency in his behalf, and
11 the recipient is removed from the public aid rolls, court
12 action may be taken against the responsible relative hereunder
13 if he fails to furnish support in accordance with the terms of
14 such notice.

15 Actions may also be brought under this Section in behalf of
16 any person who is in need of support from responsible
17 relatives, as defined in Section 2-11 of Article II who is not
18 an applicant for or recipient of financial aid under this Code.
19 In such instances, the State's Attorney of the county in which
20 such person resides shall bring action against the responsible
21 relatives hereunder. If the Illinois Department, as authorized
22 by Section 10-1, extends the child support enforcement services
23 provided by this Article to spouses and dependent children who
24 are not applicants or recipients under this Code, the Child and
25 Spouse Support Unit established by Section 10-3.1 shall bring
26 action against the responsible relatives hereunder and any

1 support orders entered by the court in such cases shall provide
2 that payments thereunder be made directly to the Illinois
3 Department.

4 Whenever it is determined in a proceeding to establish or
5 enforce a child support or maintenance obligation that the
6 person owing a duty of support is unemployed, the court may
7 order the person to seek employment and report periodically to
8 the court with a diary, listing or other memorandum of his or
9 her efforts in accordance with such order. Additionally, the
10 court may order the unemployed person to report to the
11 Department of Employment Security for job search services or to
12 make application with the local Job Training Partnership Act
13 provider for participation in job search, training or work
14 programs and where the duty of support is owed to a child
15 receiving child support enforcement services under this
16 Article X, the court may order the unemployed person to report
17 to the Illinois Department for participation in job search,
18 training or work programs established under Section 9-6 and
19 Article IXA of this Code.

20 Whenever it is determined that a person owes past-due
21 support for a child receiving assistance under this Code, the
22 court shall order at the request of the Illinois Department:

23 (1) that the person pay the past-due support in
24 accordance with a plan approved by the court; or

25 (2) if the person owing past-due support is unemployed,
26 is subject to such a plan, and is not incapacitated, that

1 the person participate in such job search, training, or
2 work programs established under Section 9-6 and Article IXA
3 of this Code as the court deems appropriate.

4 A determination under this Section shall not be
5 administratively reviewable by the procedures specified in
6 Sections 10-12, and 10-13 to 10-13.10. Any determination under
7 these Sections, if made the basis of court action under this
8 Section, shall not affect the de novo judicial determination
9 required under this Section.

10 If a person who is found guilty of contempt for failure to
11 comply with an order to pay support is a person who conducts a
12 business or who is self-employed, the court in addition to
13 other penalties provided by law may order that the person do
14 one or more of the following: (i) provide to the court monthly
15 financial statements showing income and expenses from the
16 business or the self-employment; (ii) seek employment and
17 report periodically to the court with a diary, listing, or
18 other memorandum of his or her employment search efforts; or
19 (iii) report to the Department of Employment Security for job
20 search services to find employment that will be subject to
21 withholding of child support.

22 A one-time charge of 20% is imposable upon the amount of
23 past-due child support owed on July 1, 1988 which has accrued
24 under a support order entered by the court. The charge shall be
25 imposed in accordance with the provisions of Section 10-21 of
26 this Code and shall be enforced by the court upon petition.

1 All orders for support, when entered or modified, shall
2 include a provision requiring the non-custodial parent to
3 notify the court and, in cases in which a party is receiving
4 child support enforcement services under this Article X, the
5 Illinois Department, within 7 days, (i) of the name, address,
6 and telephone number of any new employer of the non-custodial
7 parent, (ii) whether the non-custodial parent has access to
8 health insurance coverage through the employer or other group
9 coverage and, if so, the policy name and number and the names
10 of persons covered under the policy, and (iii) of any new
11 residential or mailing address or telephone number of the
12 non-custodial parent. In any subsequent action to enforce a
13 support order, upon a sufficient showing that a diligent effort
14 has been made to ascertain the location of the non-custodial
15 parent, service of process or provision of notice necessary in
16 the case may be made at the last known address of the
17 non-custodial parent in any manner expressly provided by the
18 Code of Civil Procedure or this Code, which service shall be
19 sufficient for purposes of due process.

20 An order for support shall include a date on which the
21 current support obligation terminates. The termination date
22 shall be no earlier than the date on which the child covered by
23 the order will attain the age of 18. However, if the child will
24 not graduate from high school until after attaining the age of
25 18, then the termination date shall be no earlier than the
26 earlier of the date on which the child's high school graduation

1 will occur or the date on which the child will attain the age
2 of 19. The order for support shall state that the termination
3 date does not apply to any arrearage that may remain unpaid on
4 that date. Nothing in this paragraph shall be construed to
5 prevent the court from modifying the order or terminating the
6 order in the event the child is otherwise emancipated.

7 If there is an unpaid arrearage or delinquency (as those
8 terms are defined in the Income Withholding for Support Act)
9 equal to at least one month's support obligation on the
10 termination date stated in the order for support or, if there
11 is no termination date stated in the order, on the date the
12 child attains the age of majority or is otherwise emancipated,
13 then the periodic amount required to be paid for current
14 support of that child immediately prior to that date shall
15 automatically continue to be an obligation, not as current
16 support but as periodic payment toward satisfaction of the
17 unpaid arrearage or delinquency. That periodic payment shall be
18 in addition to any periodic payment previously required for
19 satisfaction of the arrearage or delinquency. The total
20 periodic amount to be paid toward satisfaction of the arrearage
21 or delinquency may be enforced and collected by any method
22 provided by law for the enforcement and collection of child
23 support, including but not limited to income withholding under
24 the Income Withholding for Support Act. Each order for support
25 entered or modified on or after the effective date of this
26 amendatory Act of the 93rd General Assembly must contain a

1 statement notifying the parties of the requirements of this
2 paragraph. Failure to include the statement in the order for
3 support does not affect the validity of the order or the
4 operation of the provisions of this paragraph with regard to
5 the order. This paragraph shall not be construed to prevent or
6 affect the establishment or modification of an order for the
7 support of a minor child or the establishment or modification
8 of an order for the support of a non-minor child or educational
9 expenses under Section 513 of the Illinois Marriage and
10 Dissolution of Marriage Act.

11 Payments under this Section to the Illinois Department
12 pursuant to the Child Support Enforcement Program established
13 by Title IV-D of the Social Security Act shall be paid into the
14 Child Support Enforcement Trust Fund. All payments under this
15 Section to the Illinois Department of Human Services shall be
16 deposited in the DHS Recoveries Trust Fund. Disbursements from
17 these funds shall be as provided in Sections 12-9.1 and 12-10.2
18 of this Code. Payments received by a local governmental unit
19 shall be deposited in that unit's General Assistance Fund.

20 To the extent the provisions of this Section are
21 inconsistent with the requirements pertaining to the State
22 Disbursement Unit under Sections 10-10.4 and 10-26 of this
23 Code, the requirements pertaining to the State Disbursement
24 Unit shall apply.

25 (Source: P.A. 97-186, eff. 7-22-11; 97-1029, eff. 1-1-13.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.